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Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2003P05892WO		FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/003541	International filing date (day/month/year) 02.04.2004	Priority date (day/month/year) 12.05.2003	
International Patent Classification (IPC) or national classification and IPC			
Applicant SIEMENS AKTIENGESELLSCHAFT			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>10</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input checked="" type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand		Date of completion of this report	
Name and mailing address of the IPEA/EP		Authorized officer	
Facsimile No.		Telephone No.	

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

- ☐ international search (Rule 12.3 and 23.1(b))
☐ publication of the international application (Rule 12.4)
☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:

pages 1-17 _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

nos. 1-26 _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* _____ received by this Authority on _____

nos.* _____ received by this Authority on _____

☒ the drawings:

sheets 1/9-9/9 _____ as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (specify): _____

☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-26</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	_____	YES
	Claims	<u>1-26</u>	NO
Industrial applicability (IA)	Claims	<u>1-26</u>	YES
	Claims	_____	NO
2. Citations and explanations (Rule 70.7)			
This report makes reference to the following documents:			
D1: DE 198 07 307 A			
D2: US-A-3 434 152			
D3: US-B-6 392 6771			
D4: GB-A-2 321 706			
D5: US-A-4 617 893			
D6: DE 102 15 122 A1			
D7: US-A-5 043 562			
D8: DE 692 376 C			
1. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not inventive (PCT Article 33(2)).			
1.1 All the features in the preamble of the claims are known from the prior art, not only from the document cited by the applicant (D6), but also from D1-D4; see the passages cited in the search report. They relate to a tachograph as defined in the claims, i.e. a printer with removable and lockable media units.			

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
1.2	<p>The present invention differs from the prior art in that the locking element (50) can be linearly moved between a locked position and an unlocked position, transversely to the insertion direction, while in the prior art the direction of displacement is not specified or other alternatives, in particular a rotary movement, are chosen.</p>
1.3	<p>However, the arrangement of a locking bolt that can be linearly moved transversely to a drawer-like unit is, owing to the broad formulation, the most obvious of all possible solutions, since a person skilled in the art, in the absence of any particular marginal conditions, would secure a drawer in this manner, which is the easiest possible, and corresponds for example to a drawer locked by a lock or locking bolt (see D8, drawers 210-212, which are secured by a locking bolt (214)).</p>
1.4	<p>D5 (figures 4-6; column 6, last paragraph, locking bolt 77) shows that a person skilled in the art would also use this locking system, which has long been known, for securing movable parts within a speed-monitoring device.</p>
1.5	<p>Claims 2-26 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT inventive step requirements, since they can be obviously derived from the combined teachings of documents D1-D3, D7 and D8.</p>

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Box No. VI Certain documents cited

1. Certain published documents (Rule 70.10)

Application No.
Patent No.Publication date
(day/month/year)Filing date
(day/month/year)Priority date (valid claim)
(day/month/year)

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure

Date of non-written disclosure
(day/month/year)Date of written disclosure
referring to non-written disclosure
(day/month/year)

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

2. Contrary to PCT Rule 5.1(a)(ii), the description does not cite documents D1-D3, D7 and D8, or indicate the relevant prior art disclosed therein.

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

3. The application does not meet the requirements of PCT Article 5 because the invention is not disclosed in a manner sufficiently clear for the invention to be carried out by a person skilled in the art.

3.1 Although a person skilled in the art, as explained above, would recognise, without being inventive, that a lock of the type known for locking drawers, having a locking bolt or a slide bolt, would be mounted on the front side of the drawer-like media support, for example, as defined in the claim, he would not be able to deduce from the present application how a movable locking element (50) which, in all embodiments described, is totally inaccessible in the closed state, could actually be moved over the entire scope of protection claimed.

3.2 It is not possible to hypothesise the existence of a person skilled in the art who, proceeding from D8 and D5, would not be able to improve the closest prior art (D1-D4), by locking the media carrier with a drawer lock or locking bolt (PCT Article 33(3)), yet would be able to derive directly from the present application how to actually move an inaccessible, movable locking element over the entire scope of protection claimed (PCT Article 5).

Box No. VIII

Certain observations on the international application

- 3.3 The application addresses the problem of preventing a locking hook mounted so as to swivel from getting stuck and being automatically unlocked (see page 2, line 29 - page 3, line 3). Getting stuck and being unintentionally unlocked, however, are caused because of rotatable elements, for example 58 in D6, 13 in D1, 2 in D2. The present application only supposedly avoids this in that it claims a technically unspecified alternative to the error-prone means in D1-D4 and D6, without defining in the claim a replacement for the means required for transmitting the unlocking force from the actuation element (27 in the application) to the locking element (50) in an effective manner. It should be noted that any movement which is not parallel to the insertion direction (11) should be regarded as "transverse" thereto, and that a locking bolt is necessarily mounted "transversely" rather than in parallel to the movement to be prevented or allowed, and hence the expression "transverse" has no restrictive effect in the context of a locking bolt. Any movement which is not purely linear as claimed, is rotary. Consequently, the application claims all locking mechanisms having an alternative locking movement, without defining the means that replace the rotary elements of D1-D4 and D6, taking over their function and at the same time avoiding their technical drawbacks. Besides the lack of disclosure, this is another indication that the claimed means have no technical effect and solve no technical problem, and therefore, according to

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general examination practice, cannot substantiate an inventive step, in the opinion of the Examining Authority.

- 3.4 It is not possible to eliminate this lack of disclosure before the European Patent Office, either in the international phase (PCT Rule 70.2(c)) or in the regional phase (EPC Article 123(2)).
4. In the present case, there is no reason to comply with the applicant's request for an additional written opinion:
- 4.1 The applicant was informed about the existing defects with the written opinion issued with the search report by the International Searching Authority. The claimed substantive matter remained unchanged.
- 4.2 There is nothing in the letter of response that could eliminate the objection on the grounds of lack of disclosure, nor can any disclosure be found in the originally filed documents (PCT Rule 70.2(c)) that could be carried out over the entire scope of protection claimed.
- 4.3 The different opinions with regard to inventive step rely on a mere difference of opinion on whether a person skilled in the art seeking for means for locking drawers such as printing units for tachographs and the like, as they are known

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from D1-D4, would consider means for locking
drawers in other technical fields, for example
those described in D8.